



COMMONWEALTH of VIRGINIA

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

3600 West Broad Street, Richmond, Virginia 23230-4917

Telephone: (804) 367-8500 TDD: (804) 367-9753

<http://www.state.va.us/dpor>

LOUISE FONTAINE WARE
DIRECTOR

SANDRA WHITLEY RYALS
CHIEF DEPUTY

DEPUTY DIRECTORS:
JAMES L. GUFFEY
Enforcement

STEVEN L. ARTHUR
Administration & Finance

KAREN W. O'NEAL
Regulatory Programs

ENFORCEMENT POLICY

#800-02

FILING OF COMPLAINTS AGAINST REGULANTS

EFFECTIVE DATE: February 10, 2003

APPROVED BY:

I. HISTORY

This policy establishes requirements for filing and processing complaints against regulants. Previously the requirements were set forth in Enforcement desk procedures.

II. PURPOSE

The purpose of this policy is to establish Department of Professional and Occupational Regulation guidelines for receiving complaints filed against regulants.

III. POLICY

All complaints against regulants shall be handled in accordance with § 54.1-307.1 of the *Code of Virginia*. The Department shall deem a complaint sufficient when the alleged facts, if shown to be true, would constitute a violation of law or regulation of any regulatory board within Subtitle II of Title 54.1 of the *Code of Virginia* or any of the programs which may be in another title of the Code for which any regulatory board within Subtitle II has enforcement responsibility.

IV. DEFINITIONS

N/A

V. PROCEDURES

A. COMPLAINT FILING DEADLINES

1. Any complaint, in order to be investigated by the Department, shall be received by the Department within three years of the act, omission or occurrence giving rise to the violation.

2. Pursuant to § 54.1-307.1.B of the *Code of Virginia*, “where a regulant has materially and willfully misrepresented any information required by statute or regulations to be disclosed to a complainant and the information so misrepresented is material to the establishment of the violation, the complaint may be made at any time within two years after the discovery of the misrepresentation.”
3. The limitations on filing a complaint shall not apply to any complaint for which a criminal proceeding may be instituted in a court of competent jurisdiction.

B. COMPLAINT FORMAT REQUIRMENTS

All complaints shall be submitted in writing. Anonymous complaints may be accepted. Information obtained from the media or other public source or from any court or other public record/document shall be deemed equivalent to a written complaint. Written complaints shall not be required in the following situations.

1. The complainant indicates that filing a written complaint will impose a hardship.
2. Life-threatening situations or situations that have resulted (or have the potential to result) in harm, personal injury or loss to a consumer or the public.
3. When the Department becomes aware of information indicating that a regulant has engaged in criminal activity that a regulatory board, through its regulations and applicable statutes, has determined may be related to the practice of the profession or occupation, for which disciplinary action may be taken.

C. ALTERNATIVE INFORMATION SOURCES

Complaints, in writing or verbal, resulting from the following sources shall be accepted.

1. Information submitted to or obtained by any sworn investigator of the Enforcement Division indicating that a regulant has violated or is about to violate a law or regulation.
2. Information submitted by other law enforcement or regulatory agencies.

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